THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.22295 OF 2007

Dated 25th October, 2007

Between:

M/s HCL Agro Power Ltd …Petitioner

And

The Appellate Deputy Commissioner
And another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.22295 OF 2007

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties.

On instructions, learned Special Standing Counsel for Commercial Taxes admits that a major portion of the tax has been paid by the petitioner subsequent to the rejection of the appeal. The appeal has been rejected on 20-07-2006 on the ground that admitted tax and 12.5% of the disputed tax as required to be deposited was not deposited by the petitioner.

In view of the fact that the petitioner has already paid major portion of the disputed tax, we feel that his appeal should be entertained and decided on merits. Therefore, we direct that his appeal be entertained and decided on merits. The impugned order dated 20-07-2006 is accordingly set aside.

The writ petition is allowed. No order as to costs.

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Bilal Nazki,J

Dated 25th October, 2007

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Ramesh Ranganathan,J

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